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SECRETARIAT

OF

THE ODISHA LEGISLATIVE ASSEMBLY

NOTIFICATION

The 29th August, 2013.

No. 9543/L.A.,—The following Bill which has been introduced in the Odisha Legislative Assembly on the 26th August, 2013 is herewith published under Rule 68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

THE ODISHA PREVENTION OF WITCH - HUNTING BILL, 2013

A

BILL

TO PROVIDE FOR EFFECTIVE MEASURES TO TACKLE THE MENACE OF WITCH HUNTING AND TO PREVENT THE PRACTICES OF WITCH CRAFT IN THE STATE OF ODISHA AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

BE it enacted by the Legislature of the State of Odisha in the Sixty-fourth Year of the Republic of India as follows: -

Short title,
extent and
commencement.

1. (1) This Act may be called the Odisha Prevention of Witch-hunting Act, 2013.

(2) It extends to the whole of the State of Odisha.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires, —

(a) “Witch” means a woman, locally known as “Dahani”, “Dayan” or otherwise, who has been identified by any person or persons believing her to be in possession of, or is having, any evil power for causing any harm to any person or his property;

- (b) “Witch craft” means use of supernatural or magical power with evil intention to call up spirit or cast spell or discover the whereabouts of stolen goods and includes such other similar practices which are locally known as ‘Guni’, ‘Jhada phunka’, ‘Cot Bidya’, ‘Bata Bidya’, ‘Kula Bidya’, ‘Nakha Darpana’ or by any other name;
- (c) “Witch-doctor” means a person who claims to be a Gunia, Tantrik, Kalisi or by any other name called and claims or is believed to be having supernatural or magical power to control or to cure a witch or by performing rituals to free a woman from evil spirit or bless a woman with a child or performs any ritual on behalf of any person with an intention to harm a person;
- (d) “Witch- hunting” means any act of omission, commission or conduct on the part of any person,—
 - (i) identifying, accusing or defaming a woman as a witch, or
 - (ii) harassing, harming or injuring such woman whether mentally or physically or damaging her property.

Prohibition of witch-hunting and practising witch craft.

3. No person shall commit witch-hunting or exercise or practise witch craft with intent to cause harm or injury to another person.

Penalty for witch hunting.

4. (1) Whoever, except in the cases provided for in sub-section (2), commits witch-hunting, or abets, or provokes for witch hunting, shall be punishable with imprisonment for a term which may extend to three years or with fine but which shall not be less than one thousand rupees or with both.

(2) Whoever forces any woman, branding her as witch, to drink or eat any inedible substance or any other obnoxious substance or parade her with painted face or body or commits any similar acts which is derogatory to human dignity or displaced from her house, shall be punishable with imprisonment for a term which shall not be less than one year but may extend to five years and with fine.

Penalty for witch craft.

5. Whoever practises witch craft or other similar practices with intent to cause harm or injury to any person shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years or with fine which shall not be less than five thousand rupees or with both.

Penalty for witch-doctor.

6. Whoever performs any practice as witch doctor knowingly that such practices shall cause harm or injury to the person upon whom such practices is being performed, shall be punished with imprisonment for a term which shall not be less than one year but may extend to three years or with fine which shall not be less than five thousand rupees or with both.

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| Enhancement of the punishment. | 7. Whoever, having already been convicted of an offence punishable under this Act, is convicted for the second offence or any offence subsequent to second offence, shall be punishable with imprisonment for a term which shall not be less than three years but may extend to seven years and with fine which shall not be less than ten thousand rupees. |
| Act not in derogation of any other law. | 8. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force. |
| Order for compensation. | 9. (1) Where a sentence of fine is imposed under sections 4,5,6 and 7 the Court shall, in fixing the amount of fine, take into consideration the physical and mental damage caused to the victim including any cost of treatment and also damage, if any, caused to the property. (2) When a Court imposes sentence of fine, the court shall while passing judgment, order the whole or part of the fine recovered to be awarded as compensation to the victim. |
| Offence to be cognizable and non-bailable. | 10. Every offence under this Act shall be cognizable and non-bailable. |
| Preventive action to be taken by the State Government. | 11. The State Government may make one or more schemes to conduct awareness programme on blind belief and educate people about the absurd concept of evil spirit, witch craft and for such other matters as the State Government may deem proper. |

STATEMENT OF OBJECTS AND REASONS

There are complaints/reports expressing grave concern over growing and frequent barbaric murder of women branded as “Witch” and other persons practising similar act. The age old superstition of Witch-hunting and other similar practices prevalent in the society are curse to society and humanity. At present, there is no penal provision in law to prohibit or punish the accused of Witch-hunting and other similar practices. The proposed Legislation aims at prohibiting Witch-hunting and other similar practices thereto helping in tackling the evil consequences and in curbing crimes. The penal provisions of the proposed Legislation includes Witch-hunting, branding a woman as Witch and other similar practices causing harm or injury to any person and who performs any practice as Witch doctor. Penal provision has also been proposed for repeated offence.

The penal provisions of the proposed Legislation also provide that every offence under it shall be cognizable and non-bailable. It is also proposed that the State Government may make one or more schemes to conduct awareness programme on superstitions and other related matters as it may deem proper. Resultantly, the proposed Legislation shall help in achieving security and dignity of women of State.

The Bill seeks to achieve the above objectives.

NAVEEN PATNAIK

Member-in-Charge

A. K. SARANGI

Secretary

Odisha Legislative Assembly